



QUALCOMM Incorporated

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June 24, 2005

Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Oral Ex Parte Presentation in WT Docket No. 05-7

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated ("QUALCOMM"), this is to report that yesterday, Jennifer McCarthy, Kent Walker, and I of QUALCOMM, along with Bob duTreil Jr. of Professional Communications Consultants, Inc., met with Bruce Franca, Julius Knapp, Alan Stillwell, and Harry Wong of the Office of Engineering & Technology to discuss QUALCOMM's Petition for Declaratory Ruling in the above-referenced proceeding.

During the meeting, we explained that the Engineering Exhibit in QUALCOMM's Petition assumed, consistent with the Commission's Part 73 Rules, that QUALCOMM's MediaFLO service would operate at 50 kilowatts Effective Radiated Power ("ERP") in both the vertical and circular polarizations. However, QUALCOMM now understands that the Wireless Bureau interprets the Part 27 Rules as not permitting operations at that level by a Lower 700 MHz licensee and instead interprets the Part 27 rules as permitting a Lower 700 MHz licensee such as QUALCOMM to transmit at 50 kilowatts total ERP in the sum of all polarizations. As a result, QUALCOMM plans to operate MediaFLO at 25 kilowatts ERP in each polarization (horizontal and vertical), for total ERP of 50 kilowatts, using a circularly polarized antenna. This change means that the signal strength of MediaFLO's transmitters will be 3 dB less at any point than was assumed in the Engineering Exhibit to QUALCOMM's Petition.

During the balance of the meeting, Ms. McCarthy, Mr. Walker, Mr. duTreil, and I covered points discussed at greater length in QUALCOMM's pleadings in this docket. We provided background information on the services that QUALCOMM intends to offer via MediaFLO. We also explained the vague aspects of Section 27.60 (b) (iii) of the Commission's rules—the fact that while the rule allows QUALCOMM to submit an engineering study to justify the proposed separations, the rule does not specify the methodology to calculate interference to affected adjacent channel or co-channel TV/DTV stations; does not establish a

level of *de minimis* interference, and does not explain how the Commission would process these engineering studies. To fill in these gaps in the rule, we asked for the relief requested in QUALCOMM's Petition.

We emphasized the temporary nature of the relief—that it will only apply until the completion of the DTV transition—and the limited number of markets in which QUALCOMM needs the relief—that is, a subset of the markets in which QUALCOMM is launching MediaFLO. We also stated that the OET 69 methodology, which is well known to the Commission and the TV industry, is the most appropriate methodology to use to calculate interference from MediaFLO, given its particular characteristics.

In addition, we stressed that the Part 27 D/U ratios and out of band emission limits are considerably more stringent than their Part 73 equivalents. As a result, approval of QUALCOMM's Petition will result in greater protection to TV and DTV stations than they would receive under the Part 73 Rules. Moreover, we pointed out that as discussed in QUALCOMM's reply pleading, the Commission has granted countless applications for stations (full power or low power) to place adjacent channel transmitters within the protected contour of another station on a non-co-located basis. See QUALCOMM Reply (filed March 25, 2005 at Pg. 10, n.30).

Finally, we highlighted the need for issuance of a prompt ruling on QUALCOMM's Petition.

Respectfully submitted,

/s/ Dean R. Brenner

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Cc: Bruce Franca
Julius Knapp
Alan Stillwell
Harry Wong